



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 8762-98

4 February 2000

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 w/attachments
(2) Case Summary
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the United States Navy filed enclosure (1) with this Board requesting that his reenlistment code be changed.

2. The Board, consisting of Mr. Silberman, Mr. Pfeiffer, and Mr. Zsalsman, reviewed Petitioner's allegations of error and injustice on 27 January 2000 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Although it appears that enclosure (1) was not filed in a timely manner, it is in the interest of justice to waive the statute of limitations and review the application on its merits.

c. Petitioner enlisted in the Navy on 5 February 1987 at age 18. The record shows that he satisfactorily completed initial training and on 25 November 1987 he reported to his first duty station. He received a not observed evaluation for the period ending 31 January 1988. In the next evaluation, for the period 1 February to 19 July 1988, he was assigned an adverse mark of 2.0 in reliability and an adverse mark of 2.8 in military behavior and the overall evaluation was an adverse 2.8.

d. On 19 July 1988 Petitioner was transferred from his ship to the transient personnel unit, apparently because of his physical problems. On 21 October 1988 the Physical Evaluation

Board (PEB) directed discharge due to a physical disability rated at 10%. Petitioner was honorably discharged on 10 November 1988 and was paid disability severance pay. At that time he was not recommended for reenlistment and was assigned an RE-4 reenlistment code.

e. The Board is aware that regulations allow for the assignment of an RE-3P or an RE-4 reenlistment code when an individual is discharged because of a physical disability.

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. The Board notes that a single adverse performance evaluation is normally sufficient to support a non-recommendation for reenlistment and the assignment of an RE-4 reenlistment code. However, the Board also notes that he was only evaluated on one occasion and his physical problems may have contributed to his poor performance. Given the passage of over 11 years since Petitioner was discharged, the Board concludes that no useful purpose is served by the stigmatizing RE-4 reenlistment code and the code should now be changed to RE-3P. This code will alert recruiters that his physical condition must be evaluated before reenlistment can be authorized.

The Board further concludes that this Report of Proceedings should be filed in Petitioner's naval record so that all future reviewers will understand why the reenlistment code was changed.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that on 10 November 1988 he was assigned an RE-3P reenlistment code vice the RE-4 reenlistment code now of record.

b. That this Report of Proceedings be filed in Petitioner's naval record.

4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

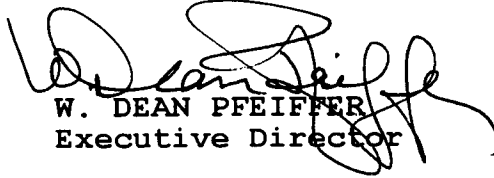
ROBERT D. ZSALMAN
Recorder



ALAN E. GOLDSMITH
Acting Recorder

5. Pursuant to the delegation of authority set out in Section

6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.



W. DEAN PFEIFFER
Executive Director